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DETERMINING IF SPECIAL USE PERMITS SHOULD BE ISSUED TO OUTFITTERS FOR GUIDING COUGAR AND BEAR HUNTS on the Wallowa-Whitman National Forest

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ABSTRACT

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TITLE: Determining if Special Use Permits Should be Issued to Outfitters for Guiding Cougar and Bear Hunts on the Wallowa-Whitman National Forest

ABSTRACT: In July of 1990, a federal court determined that special use permits could not be issued to commercial outfitters and guides on certain forests within the National Forest system for the purpose of hunting cougar or bear (black) unless an environmental assessment (EA) had been prepared.

The Wallowa-Whitman National Forest was one of the Forests required by the court to prepare an EA before this long-standing activity could continue. A cursory EA was prepared in 1990 which provided for reissuance of existing permits through 1991. Following expiration of the EA, a new and more comprehensive EA was to be prepared.

This document is that new and more comprehensive EA. It attempts to:

1. Analyze the need for guiding services
2. Establish guidelines for numbers of outfitters and guides for cougar/bear hunting
3. Coordinate the issuance of special use permits with available hunting tags issued by the State of Oregon
4. Provide a recreational opportunity through a commercial program that may not be achieved on an individual level
5. Provide some stability to recreational partners by establishing a term permit longer than one year [1]

Keywords: Special Use Permits, Recreational Activities, Hunting for Cougar and Bear, Recreational Partners, Cooperation with State Agency

[1] "Pros and Cons of Concessions on the National Forest," Nancy Schuster and Gaylord Stavely, presented at Clemson Recreation Short Course, 1991.

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EXECUTIVE SUMMARY

TITLE: Determining if Special Use Permits Should be Issued to Outfitters for Guiding Cougar and Bear Hunts on the Wallowa-Whitman National Forest

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SUMMARY:

Project Intent--This project is to analyze the environmental and social effects of reissuing expired and issuing new special use permits to provide outfitter/guide services, often using the aid of dogs, for the purpose of hunting cougar and bear on the Wallowa-Whitman National Forest.

Through the project, the agency wants to provide for the use and occupancy of the National Forest by private individuals when such use is consistent with Forest management objectives and is in the public interest[1]. Other objectives of the analysis are to coordinate this activity with available hunting tags issued by the States of Oregon and Idaho, provide a recreational activity through a commercial program that is usually not available on an individual basis, and to provide some stability for recreational partners by establishing a term longer than one year for permits.

Research Actions and Approach--An interdisciplinary team (IDT) consisting of a recreation specialist (Lynn Roehm/Gordon Struthers), a wildlife biologist (Bob Mason), an National Environmental Policy Act (NEPA) expert (Kurt Wiedenmann), a team leader (Gay Brockus), and an Oregon State Fish and Wildlife representative (Craig Ely), was established. Their task was to assess and analyze the problem of whether or not to issue permits to outfitters and guides for the purpose of guiding cougar and bear hunts.

Assessment of the problem was done by reviewing Forest Plan direction, the expired environmental assessment, and the federal court case which ruled an environmental assessment was necessary. Person to person contacts were made with individuals both in and out of the agency, and other public comments were obtained via a scoping questionnaire to existing outfitters and guides, and via a scoping letter to over 200 individuals and organizations who expressed interest in the project.

The IDT also contracted with the agency's research facility (WESTFORNET) to receive any and all information concerning the effects of hunting on cougar, bear, lynx, wolverine, elk, and deer through the use of dogs, and any other information that might be pertinent to the project intent.

[1]"Wallowa-Whitman Land and Resource Management Plan, Special Uses," Forest Service, 1990.
Use of the National Forests," USDA Forest Service, 1907. Presented at Clemson Recreation Short Course, 1991.

Results of Research--The following was found to be true:

1. Forest Plan and manual direction provides authority for issuing special use permits for this activity.

2. The federal court, however, ruled that an environmental assessment has to be done before the activity can continue.

3. The issue of harvesting cougar and bear is highly controversial with the public, particularly when dogs are used to aid the hunt[1]. Most people who responded to scoping adamantly opposed the hunting of cougar and bear. (Appendix A)

4. Existing outfitters and guides want to continue the current level of activity. They do not wish to see an increase in the number of permits issued; however, they do want an increased level of law enforcement directed at illegal outfitting and guiding.

5. The State Departments of Fish and Wildlife (Idaho and Oregon) support the activity of outfitter and guiding for cougar and bear and the use of hounds because it helps the agencies achieve adequate harvest, particularly in densely forested areas[2].

6. The success rate of individual hunters who do not use dogs in their pursuit is low. Because of the cost of maintaining hunting dogs, usually only outfitters have them, and, therefore, successful cougar and bear hunters (60 percent)[3] generally employ outfitter and guides.

7. It is the State Department of Fish and Wildlife who authorizes the harvesting of cougar and bear through licenses and tags. The Forest Service, through special use permits, only authorizes the commercial guide activity. Animal rights groups, however, are targeting the Forest Service in their efforts at getting cougar and bear hunting stopped because they feel if they stop outfitting and guiding, they essentially stop successful hunting.

8. There is little, if no, research information available that addresses the effects of dogs on non-target animals such as wolverine and lynx.

Recommendations: The preferred alternative of the IDT is to continue to issue outfitter and guide permits for cougar and bear hunting at a level not to exceed the number needed to help meet State population dynamics (15). Presently, there are 9 permits issued; the increase per year could not exceed two. The maximum number could not exceed 15 and could not occur before 1994. (Based on the following formula: State issues 150 tags with anticipated 40% success rate (60). Average tags filled per permittee is 4; therefore, maximum number of permittees is 15. 150 x .40 ÷4 = max permittees.)

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[1]"1986-1990 Species Management Plan, Black Bear," Idaho Department of Fish and Game.
[2]"1986-1990 Species Management Plan, Black Bear," Idaho Department of Fish & Game.
[3]"Contributions to Status, Management and Conservation," Randall Eaton, The World of Cats, v. III, No. 1, April 1976.

INTRODUCTION

The objective of this paper will be to analyze the process used in determining if and to what extent outfitter and guide permits should be issued for hunting cougar and bear. The biological analysis of the effects on the resources of issuing such permits will be accomplished in the enclosed environmental assessment. (Appendix C)

The following documents an analysis of whether or not the Wallowa-Whitman National Forest should continue to issue special use permits to outfitters for the purpose of leading guided trips into the national forest to hunt cougar and bear.

Outfitter and guiding for cougar and bear hunts has been an activity allowed on the national forest for many years; however, only recently has the activity grown into a public issue. Some concerned publics challenged the courts about the activity, which led to a ruling that outfitting and guiding for cougar and bear hunting must be backed by an environmental assessment.

There are those who agree with the activity. Typically, these are people who either have an outfitting and guiding permit, or they use outfitter and guides to hunt cougar and bear[1]. But, the vast majority of respondents strongly disagree with the activity, primarily as it relates to the use of dogs in the pursuit of the target animals.

The authorizing agency for outfitting and guiding, the Forest Service, has largely taken the position that they must provide for the "use and occupancy of the National Forest by private individuals when such use is consistent with Forest management objectives and is in the public interest."[2] This activity meets that criteria, and certainly the demand by the public for outfitters to help them successfully hunt cougar and bear is there (see Appendix B).

The authorizing agency for harvesting cougar and bear, the State Departments of Fish and Wildlife, is not being challenged by the courts at this time and takes the position that harvest of the animals by "guided" hunters helps maintain correct population dynamics.

But questions are surfacing from the public about the effects of this activity on forest resources and people[3], particularly when hounds are used. Socially, the public generally doesn't support the harvesting of cougar and bear. And, biologically, they are questioning the effects on non-target animals like wolverine and lynx, and on the cougar and bear themselves.

This document attempts to sort out the issues and concerns, to analyze the effects of the activity on other resources and people, and to provide a range of alternatives for management.

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[1]"Understanding Bear Hounds" Jerome Robinson, Sports Afield, v. 198, pg. 91, December 1987.
[2]"Wallowa-Whitman Land and Resource Management Plan, Special Uses," Forest Service, 1990.
[3]"Some Concerns About Outdoor Recreation in the 1990's," Ken Cordell, from a paper presented at Clemson Recreation Short Course, 1991.

STATEMENT OF PURPOSE

The purpose of the proposed action is to continue to provide for the use and occupancy of the National Forest by private individuals when such use is consistent with Forest management objectives and is in the public interest[1]. The Forest Plan further states "Authorize and permit outfitter and guide operations where Forest Service manual 2720 criteria are met and when supported by an environmental analysis."

In July 1990, a Federal court determined that special use permits could not be issued to commercial outfitters and guides on certain forests within the National Forest System for the purpose of hunting cougar or bear (black) unless an environmental analysis had been completed. Direction from the Pacific Northwest Region (6), of which the Wallowa-Whitman is a part, required ALL national forests to prepare an environmental assessment. It was further stated by the Federal court that information on environmental effects on cougar and bear populations be provided by the State wildlife agencies, even though some people feel this information is inadequate.

The Wallowa-Whitman National Forest administers lands within Oregon and Idaho. The respective State agencies have responsibility for wildlife management plans, populations estimates, and hunting regulations. State fish and wildlife laws and regulations apply on National Forest System lands when not in conflict with Federal laws. The Forest Service cooperates in development and enforcement of these laws because it is the agency responsible for habitat management and for regulating all uses on the National Forest.

Wallowa-Whitman National Forest Deputy Supervisor William Gast signed the decision notice on an EA on August 17, 1990 in order to issue permits to those who had held permits in the previous hunting season. The EA was good for only one year and stated that a new EA would need to be developed to more completely assess the program before permits would be issued for other years.

Although all areas of the Forest where hunting is legal will be included in this analysis, the scope of this environmental assessment is limited. Figures provided by the Oregon State Department of Fish and Wildlife (ODFW), current and past numbers of outfitter and guide hunting permits, and public demand for the service combine to determine what level of service should be provided.

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[1]"Wallowa-Whitman Land and Resource Management Plan, Special Uses," Forest Service, 1990.

METHODOLOGY

The 1990 Federal court ruling requiring the Wallowa-Whitman National Forest to prepare an environmental assessment before issuing further cougar and bear outfitting and guiding permits established the NEPA process as the methodology for this undertaking.

Following that established process, the Forest Supervisor appointed me as the leader of the cougar/bear outfitter and guiding team. After reviewing the court ruling, Forest Plan direction, the existing (but soon to expired) environmental assessment, and establishing management emphasis, the remaining team members were appointed by the line officer. The team consists of a wildlife biologist, a NEPA expert and planning team leader, a recreation specialist and a representative from the Oregon Department of Fish and Wildlife.

The strategy for public participation was three fold: 1) A scoping letter inviting comment was mailed to about 200 individuals, groups and organizations that had expressed interest in cougar and bear hunting in the past, 2) A scoping survey letter consisting of six questions was sent to existing permittees (see Appendix B), and 3) private contacts to the outfitter and guides association, the Cougar Trust Action group, and others known to have high interest in the project were made.

From scoping, 23 individual letters, 2 phone calls, 9 postcards, and 2 petitions were received. Seven of the nine existing permittees responded. By far the majority of comments received, except those of the permittees, were adamantly opposed to cougar and bear hunting, in general, especially when dogs were used.

The team developed three main issues based on public comments. Briefly, they are: 1) The effects of outfitter and guide services on the population dynamics of cougar and bear, and how dogs might lead to harassment of the target species. 2) The effects of outfitter and guide services on the population dynamics of non-target species (elk, deer, wolverine, and lynx), and how dogs might lead to their harassment. 3) The extent special use permits should be issued to provide a public service and provide revenue to local communities.

Centering on this issue, three alternatives for managing the outfitter and guide program for cougar and bear were developed by the team. Data for analyzing the three issues was gathered from Idaho and Oregon's Departments of Fish and Wildlife, from research papers provided by various university libraries and from historical Forest Service records. The analysis of the alternatives is underway at this time.

Internal communication has been accomplished by various meetings with the line officer (Forest Supervisor Bob Richmond); and by letters, data general, and a presentation to the Forest Leadership Team.

The environmental assessment and decision notice are scheduled to be released in April, with the appeal period ending 45 days later. The EA can be implemented at that time.

ANALYSIS

It is my opinion that the process used (NEPA which culminated in an environmental assessment) was well-suited to analyzing the biological issues associated with harvesting cougar and bear on national forest land. The IDT was able to thoroughly assess the issues and concerns associated with the project, and to analyze the possible biological effects of each alternative on target and non-target species.

When I consider the related social issues, however, I am uncertain that the process followed allowed for true consideration of public views on hunting cougar and bear. I believe that this failing occurred because the wrong agency (Forest Service) has been targeted by environmental groups and subsequently through the courts to resolve the emotional issue of whether or not hunting cougar and bear is acceptable.

Population numbers and hunting privileges and practices are, of course, a State responsibility. The Forest Service allows application of the State fish and wildlife rules and regulations on public land so long as they do not conflict with federal laws. But, the Forest Service does not determine the method, how much, or even if hunting can occur. Yet, those issues are really the focus of the public groups who placed the issue in the hands of the court.

How did this happen? Possibly this was a planned strategy of the environmental groups to target the Forest Service rather than the State on this subject. Through conversation with a leader of one of the most active anti-cougar and bear hunting groups, I learned that group members believe the Forest Service, as compared to the State, is a more responsible agency[1] and it is an easier target because of its own rules and regulations (NEPA).

In addition, because members of these groups equate hounds with outfitters (packs of hunting dogs are too expensive for the average individual), and they equate hunting success with hounds, they believe stopping commercially-guided hunting on the national forests dramatically reduces the harvest of both cougar and bear. They recognize that the State will continue to issue individual hunting tags for cougar and bear; however, if there are no outfitters and guides to help hunters get their prey, to them, the issue is mostly resolved.

The IDT skirted this "hot potato" game (you're responsible; no, you are!) by focusing solely on the responsibilities of the Forest Service. That is, should any special use permits be issued to outfitters and guides so that they might offer guided trips, complete with dogs, to holders of State-issued cougar and bear tags? And if so, how many and where? Public comments relating to issues outside of this described responsibility were not addressed in the EA.

Outfitting and guiding for cougar and bear will likely continue on the Wallowa-Whitman National Forest to some degree. Our regulations require us to provide for this public service so long as it does not negatively impact the resources. The State, who through the court ruling provides population data to the analysis, shows that populations of cougar and bear are increasing. Further, there is no evidence written that confirms dogs substantially harass either the target or non-target species. And harassment of other recreationists by hounds did not surface as an issue.

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[1]"Commentary on the 1991 Public Opinion Poll Conducted by the Oregon Department of Fish and Wildlife," Market Decisions Corporation, December 1991.

In conclusion, I believe the IDT did the proper analysis of the issue as it relates to Forest Service responsibility. However, cougar and bear hunting is a growing, highly-charged issue with the public. Killing of the animals is the real issue, and it remains unresolved[1]. Resolution will only come when the proper agency, the State, becomes the focus for change.

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[1]"That Dog Won't Hunt (Deer Hunting with Dogs Banned)," Paul Burka, Texas Monthly, v. 18, pg. 176, July 1990.

SUMMARY

This project was undertaken to determine if the Wallowa-Whitman National Forest should issue special use permits to outfitter and guides for the purpose of leading commercial hunts for cougar and bear. A recent court ruling required the Forest to do an environmental assessment on this subject, thus the NEPA process was used to analyze effects.

The State fish and wildlife agencies participated in the analysis because they have responsibility for issuing licenses and tags, for authorizing hunting methods, and for establishing procedures. Also, the court allowed their data on populations to be used in our analysis.

Following the various NEPA requirements, including scoping, the IDT determined that there were three issues to be dealt with in this analysis: The effects of outfitter and guiding and using hounds on target species; the effects of outfitter and guiding and using hounds on non-target species; and the benefits and service provided to the public and local economies.

The IDT developed three alternatives addressing each of these issues--all of which provide some level of outfitter and guiding. The preferred alternative is to issue outfitter and guide permits for cougar and bear hunting at a level not to exceed the number needed to help meet State population dynamics targets. This level is calculated to be 15 permits. Presently, there are 9 existing permits; in 1991, there were 17.

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APPENDIX A

PUBLIC COMMENTS FOR BEAR/COUGAR EA

1. USE OF HOUNDS / ANIMAL RIGHTS?

COMMENTS:

- I am opposed to hunting with dogs!!

- Regardless of the fact that the hunted was not asked to join the game, a pack of dogs (one kind of hunter) followed up by a group of men with an experienced guide (altogether another kind of hunter) against a cougar can hardly be called sporting.

- This is to let you know that we do not approve of the sports hunting of these animals, and especially object if indeed dogs are used in the process.

- It is cowardly, barbaric, and uncivilized.

- Hunting solitary and reclusive animals like cougars for trophies, using dogs wearing radio transmitters is a perversion of any reasonable outdoor ethic.

- If these brave hunters must hunt these noble animals, let them go in armed only with a knife and without the aid of tracking dogs.

- These types of hunts are archaic and inhumane and unnecessary.

- We feel that this species should not be hunted at all until a complete biological assessment of their numbers is known.

- I'm concerned no biological impact study has been made concerning the hunting of these animals with dogs in this area.

- Even if the impact survey was done and it was found that we were swimming in bear and lions up to our eyeballs I would still find the practice of hunting with hounds barbaric and cruel.

- This is not hunting or sport. This is slaughter. The dogs will eventually flush out or tree the animal.

- I know some states permit hunting with dogs even for deer, and I think it is tragic and disgusting.

- I am writing in reference to the issue of 'Big Game' hunting with dogs in your forests, and in fact in all northwestern forests. I am sadly enough quite well acquainted with a few hunters and guides who use dogs.

- There should be no dogs hunting in the forest at all. This is very unfair and ruthless; we are supposed to be civilized but this dog baiting and hunting is very cruel. These dogs are the ones always in cages and fighting over bones and tearing into little children's arms when they put their hands in the cages. Uncaged dogs are very seldom vicious unless

baited and beaten. Hunting dogs are just one part of this whole system of cruelty to our rapidly decreasing wildlife.

- I believe these animals would manage just fine if we left them the hell alone. If we as a society decide it's necessary to hunt these animals then the hunt should be structured without the use of hounds and limited use of four wheel drive vehicles.

- On the sport persons level I find the standard "hunting" methods (Dogs, radio collars, 4-wheel drives) extremely distasteful and cannot actually believe this sort of inhumane activity is even allowed in this day and age.

- I cannot see how "herds" of human animals in pursuit of packs of dogs in pursuit of treed bears and mountain lions could be anything but detrimental to habitat, human safety and the well being of all wildlife.

- I am absolutely outraged by the possibility that the Forest Service would allow hunting of cougars and bears with packs of dogs. Cougars and bears are none too numerous on this national forest as it is. The Forest Service mandate to maintain biological diversity means that hunting with dogs, a practice which would assure a reduction in the population of these two wildlife species, would be contrary to the National Forest Management Act.

- This permit involves hunters, led by professional guides, monitoring packs of free roving packs of dogs.

2. POPULATION CONTROL (Bear/Cougar, other animals - i.e., Livestock)

COMMENTS:

- The results of the philosophy of human domination over nature, of which Game Management and predator control are a part, are apparent. Our insistence on controlling not just our own environment but that of all species has resulted in imbalances on which most of us would agree.

- If we don't keep the cougar population down, we will have very few deer.

- The people with the dogs to hunt the cougar helps keep them down where they should be and hunters will pay the hunting fees and the tag fees.

- If you let the population get to many, the farmers and ranchers will lose cattle to the cougar. Lets not let this happen.

- Furthermore, there have been no comprehensive studies done on numbers of bear and mountain lions. The state has relied entirely on hunting and damage control statistics.

- I am very much in favor of continued Cougar hunting in your forest. I believe the Cougar population is on the up swing and should be kept in check. I would never want the Cougar eliminated but feel Cougar hunting is a valid sport is not cruel or inhuman.

3. WILDLIFE HARASSMENT

COMMENTS:

- We're appalled and it's really disgusting concerning the hunt and kill of the cougars. These beautiful animals have a right to live wild and free.

- No set of a few guides should be allowed to support themselves leading city 'hunters' on a 'wild' safari, that is not wild at all. They have maps of where the bears live - it is merely a hike into those stream areas.

- It is archaic and criminal to treat our wild animals with such disregard and cruelty.

- Are these animals not under siege enough without trophy hunters.

- Under no circumstances should the USDA Forest Service allow "Safari-Hunting" permits for Cougar and Bear in the Wallowa-Whitman National Forest.

4. HABITAT REQUIREMENTS

COMMENTS:

- The animals provide essential balance in our forests. When predator numbers decline, their prey's numbers multiply, creating a need for further hunting. This "management" paradigm is inconsistent with the natural environment we seek to preserve in our national forests.

- The animals provide essential balance in our forests. When predator numbers decline, their prey's numbers multiply, creating a need for further hunting. This "management" paradigm is inconsistent with the natural environment we seek to preserve in our national forests.

- Leave some places serene, and preserved for future generations.

- The EA must contain information on the areas natural disturbance regime.

- In order to have a natural forest community, some areas of the forest must be allowed to return to a natural disturbance regime.

- We must restore habitat and help sensitive species recolonize areas of habitat.

- The health of a greater variety of habitat types needs to be taken into consideration by the Management Plan.

- I cannot see how "herds" of human animals in pursuit of packs of dogs in pursuit of treed bears and mountain lions could be anything but detrimental to habitat, human safety and the well being of all wildlife.

- Habitat losses must be detrimental to wild animals especially bears and cougars who's populations are declining, considering the age and sex of those that are killed legally, not to mention habitat loss through human intervention.

- The unprecedented HABITAT DEGRADATION being experienced currently on the Wallowa-Whitman.

- Dramatic declines expected in PREYBASE, especially deer and elk species.

- Current local environmental problems such as the DROUGHT, ADC hunting pressures.

- Recent years of drought have made for a hard existence for predators and all wildlife in the West. Commercial guiding would add untold pressure.

- And what can be made more clear than the unprecedented habitat degradation that is occurring?

5. VIABLE POPULATIONS

COMMENTS:

- There are NOT ENOUGH of these animals as it stands now!! Especially the Cougar.

- Wildlife needs are to be considered in balanced fashion alongside commodity production activities in a manner that conserves resources for future generations.

- We, therefore, wish that the EA clearly documents the viability of cougars and bears across the Wallowa-Whitman. Stating that "populations are the responsibility of state wildlife departments and therefore outside the scope of this analysis" is ignoring responsibilities which are clearly stated by law as being the Forest Service's responsibility in formulating a management plan.

- Clearly, we need a critical evaluation of species census, viability and abundance.

- What factor has past, present and future planned management of the Wallowa-Whitman had on these special interest species and cougar and bears?

- Therefore, the maintenance of total, regional diversity is the criterion for judging the success with which a EA satisfies the legal requirement for maintaining diversity.

- We, therefore, must determine what viability for species means throughout the Wallowa-Whitman.

- Are there any minimum dynamic areas for cougars and bears to ensure viability on the Wallowa-Whitman?

- (1) The importance of patch size in surviving catastrophe;
  (2) The different pattern of disturbance found currently in the Forest;
  (3) The relationship of patch size to recolonization capabilities;
  (4) The decrease of immigration rates; and
  (5) Natural landscape ecology.

All these aspects of successional dynamics must be accounted for in the EA. No reasonable job of assessing current species diversity and viability or the impacts on species diversity and viability likely to result from various management programs can be undertaken without first examining these phenomena.

- We do not want any species from Pine District to ever be considered for the threatened, and endangered species list.

- The extent to which terrestrial "islands" of Old-Growth are analogous to true islands depends on whether one considers species with a moderate to high fidelity to Old-Growth conditions. The younger forest matrix is of little or no benefit to some of the species of concern. The young forest matrix is nearly as lethal in the long run as would be desert or true ocean. While the matrix may be beneficial to some species of mature and Old-Growth habitats, it is naive and incorrect to assume that this is generally true. <u>It is the responsibility of the Forest Service to substantiate this claim</u>.

- The EA should address the adequate assessment of the cumulative biological effects of past (presettlement), present and planned forest management activities on cougars and bears and on the Forest's ecological landscape.

- The EA should analyze the negative and/or positive effects associated with increased edge, forest fragmentation, stand simplification, isolation, and MVP on populations of cougars and bears.

- The EA should analyze the effects on long-term viability of cougars and bears and the effects on ecosystem function.

- The EA should analyze the maintenance of diversity with the accelerated turnover and local extinction accompanying fragmentation. How does this affect cougars and bears?

- The EA should analyze the theory of Island Biogeography, Landscape Ecology and its application for ensuring viability.

- Even if the impact survey was done and it was found that we were swimming in bear and lions up to our eyeballs I would still find the practice of hunting with hounds barbaric and cruel.

- The biological requirement for a hunt should be firmly established prior to allowing it. It is here that I feel further investigation is required. Specifically, first determining current and past populations of these species prior to making a decision to allow a hunt. The hunt should only be allowed if an "excess" number of individuals is determined to be available.

- I am not against outfitter-guides in Oregon. I am against overkill and I feel there needs to be more control when the bear is harvested for profit.

- Addressing the full range of factors that must be taken into account before any conclusions can be reached on whether your actions might negatively impact the populations of bear and lions. This would entail an assessment of both the current and projected populations for these species.

- FSM 2672.4 requires a complete investigation into the status of any endangered, threatened, or sensitive species before federal actions may to taken legally.

- We are outraged that the Wallowa-Whitman NF might allow commercial guides to offer bear and cougar hunters the chance to kill these valuable predators in eastern Oregon. Having moved through so much sordid history of killing species with little knowledge of their population numbers and behavioral adaptation to human pressure, we should be offering the big predators a higher form of existence than running from clients guns, dogs, and machines.

- Depletion of the prey base (deer, elk) is well documented on the Forest. To eliminate the predators is not wise management.

- With the addition of ADC's heavy hand in Hells Canyon and other areas of eastern Oregon, the numbers of predators are under constant attack.

6. **ECONOMIC BENEFITS TO LOCAL COMMUNITY**

COMMENTS:

- There are no wild bear in Europe and so we get a lot of hunters with a lot of money coming over here for our cheap hunting fees. A bear tag ought to be $500 each, and the hunters should not be able to kill a bear under 4 years old.

7. **RECREATION (Public Service / L.E. / Commercial Use)**

COMMENTS:

-

8. **MISC.**

COMMENTS:

- We are not in favor of allowing professional guides and outfitters to receive safari type hunting permits for Cougar and bear.

- This practice of issuing permits to exploit such a pristine environment should be discontinued.

- I am appalled to learn that this barbaric and cruel practice would even be considered on public lands.

- I strongly urge you to cancel the practice of allowing these hunts to continue on public lands.

- The number of roads in our National Forests is disheartening and I favor dramatically decreasing the number of open roads on Forest Service land.

- Why don't you let federal biologists and State Game Police give input to this so that not only the ODFW's information is taken as gospel?

- "Out of state guide is slaughtering the bear."

- The game commission and Forest Service should go with the sports hunter to check on the population of bear in an area before issuing guide permits to out of state professional hunters. I feel the bear population has dwindled severely in areas around Baker County where they hunt.

- And finally, we encourage you NOT TO RELY SOLELY ON ODFW INPUT. Funding limitations and manpower shortages at the state level make it imperative that federal biologists study the situation and give input.

- Do not rely solely on the Fisheries and Wildlife data: harvests need to be reduced, not increased, given all the above information and the incredible increase in tags sold over the past year.

9. **ILLEGAL HUNTING ACTIVITIES**

COMMENTS:

- The Forest Service and the Fish and Game haven't been studying the amount of poaching of bear, or their actual decrease, or the slaughter of cubs or mothers in the hunting of the big males.

- You cannot tell me that you are not aware of the international black market on bear gall bladders and parts and that you are not pandering to the interests of these people.

- As well as the implications of inviting such hunters onto the W/W, especially during this time when there is an acknowledged "international black market in bear parts."

- LEGAL HUNTING PRESSURES which are constantly escalating, especially currently.

- ILLEGAL HUNTING PRESSURES the full impact of which is unknown.

- ODFW budget and management shortfalls mean that state agencies have limited resources to address the problems above; and the OSP has documented a "Dramatic increase in poaching:" but Measure 5 will leave "Open Season" messages.

- The most critical factor that ENCOURAGES POACHING is ROADING. And the Wallowa-Whitman has up to 5 miles per square mile of roads in places. ACCESSIBILITY is the key; and "poaching has accelerated OUT OF CONTROL across the Northwest", encouraged by the big money offered by TROPHY SEEKERS and dealers in wild animal parts.

- Do not permit commercial guides to work off the public land on the Wallowa-Whitman National Forest. The evidence of poaching has been too great in other Oregon forests. The Johnny Young case is but one vile example of the form of wildlife abuse and black market profiteering. To further assure depletion of predators by a federal agency is unfathomable.

APPENDIX B

SUMMARY OF INPUT FROM EXISTING PERMITTEES

Question 1 - How many people do you serve per year?

Answer: Average 7 per outfitter for cougar hunting; average 8 per outfitter for bear hunting.

Question 2 - Is your demand for the service increasing?

Answer: Five of the seven respondents said "yes." Two said "yes" for cougar; staying the same for bear.

Question 3 - Does anyone ever want your service for non-consumptive use?

Answer: Two said "no"; five said "yes."

Question 4 - What percentage of tags are filled through your service?

Answer: Estimates ranged from 20% - 100%.

Question 5 - How much illegal outfitter and guiding is going on?

Answer: "Not bad," 30%, 50%, 75%, and 95%.

Question 6 - Other Comments?

Answer: Two major themes: populations are increasing as evidenced by more sightings, and don't issue anymore permits. Keep number at present level.

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

ENVIRONMENTAL ASSESSMENT

FOR

OUTFITTER AND GUIDE SPECIAL USE PERMITS for COUGAR and BEAR HUNTING on the WALLOWA-WHITMAN NATIONAL FOREST

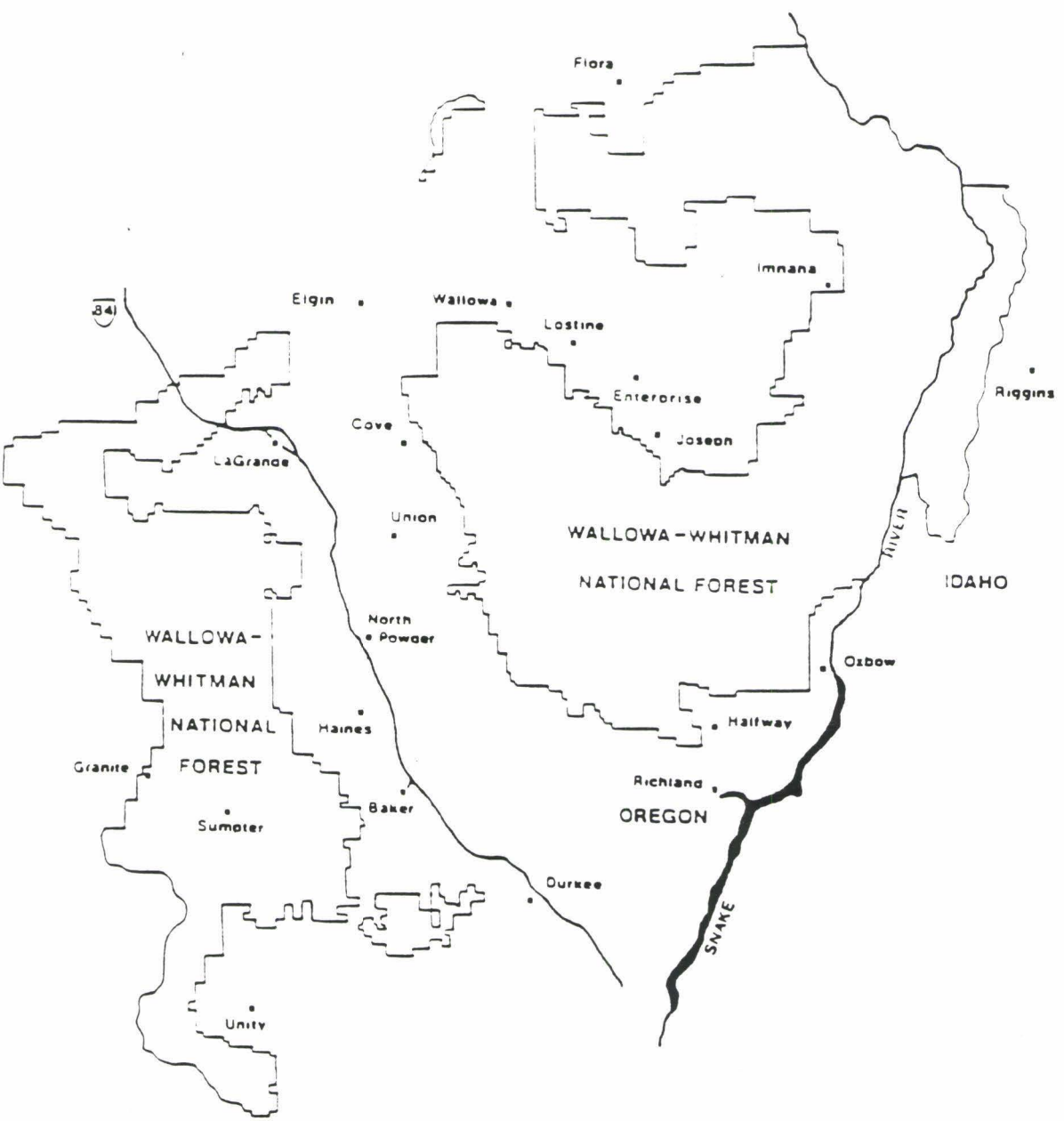
WALLOWA-WHITMAN NATIONAL FOREST

MAY 1992

VICINITY MAP

VICINITY MAP

WALLOWA-WHITMAN NATIONAL FOREST



ENVIRONMENTAL ASSESSMENT
FOR
OUTFITTER AND GUIDE SPECIAL USE PERMITS
FOR
COUGAR and BEAR HUNTING
ON THE
WALLOWA-WHITMAN NATIONAL FOREST

Baker, Grant, Malheur, Umatilla, Union, Wallowa Counties, Oregon

Adams, Idaho, and Nez Perce Counties, Idaho

USDA-FOREST SERVICE

CHAPTER I
PURPOSE OF AND NEED FOR THE PROPOSAL

A. Background

Special use permits authorize uses of National Forest lands that are not covered under informal and ordinary recreational and non-recreational uses. Special use permits provide a means of control over some factors of those uses. Historically, special use permits have been issued for various types of outfitter and guide activities, including those related to hunting big game.

Special uses are an appropriate application of the Wallowa-Whitman Land and Resource Management Plan (Forest Plan) and its Final Environmental Impact Statement. The goal for special uses is to provide for the use and occupancy of the National Forest by private individuals when such is consistent with Forest management objectives and is in the public interest (Forest Plan, "Special Uses," pgs. 4-31-32). The Forest Plan further states that outfitter and guide operations are authorized where Forest Service Manual 2720 criteria are met and when supported by an environmental analysis (Forest Plan, "Special Uses," p.4-32, #5).

In July 1990, a US District Court determined (*Felis Concolor* v. US Forest Service) that special use permits could not be issued to commercial outfitters and guides on certain forests within the National Forest system for the purpose of hunting cougar or bear (black) unless an enviromental analysis had been prepared. Direction from Region 6, in which the Wallowa-Whitman is a part, required all National Forests to prepare an environmental analysis. It was further stated by the Federal court that information on environmental effects on cougar and bear populations be provided by the state wildlife agencies. A copy of this decision is in the analysis file.

In January 1992, the Ninth Circuit Court further determined that the issuance of special use permits to commercial guides to operate on National Forest System lands is not a major Federal action requiring the development of an environmental impact statement. The Court further stated that management of wildlife and hunting in Oregon National Forests is the responsibility of the State, not the Federal government, and consequently,

"the Court cannot say that the Federal action has any major or significant effect on the environment." A copy of this decision is in the analysis file.

The Wallowa-Whitman National Forest administers lands within Oregon and Idaho. The respective State agencies have responsibility for wildlife management plans, population estimates, and hunting regulations. State fish and wildlife laws and regulations apply on National Forest system lands when not in conflict with Federal laws. The Forest Service cooperates in development and enforcement of these laws because it is responsible for habitat management and for regulating all uses on the National Forests. (Memorandum of Understanding between USDA Forest Service, Region 6, and the Oregon Department of Fish and Wildlife; and between Region 1 and the Idaho Department of Fish and Game; reference the analysis file)

The Wallowa-Whitman National Forest prepared an environmental assessment (EA) August 17, 1990, to comply with the July 1990 Court ruling. The EA provided for issuance of permits to those who had held permits in the previous hunting season. The decision addressed in the Decision Notice was valid for only that season and stated that a new EA would need to be developed to more completely assess the outfitter/guide program before permits would be issued for other years.

Information furnished by Oregon State was developed from the following hunting units which encompass the Wallowa-Whitman National Forest:

Baker	Snake River
Hells Canyon	Catherine Creek
Minam	Mt. Emily
Imnaha	Sled Springs/Chesnimnus

Idaho Department of Fish and Game (IDF&G) Big Game Management Units within the Wallowa-Whitman National Forest include Units 13, 14, and 18.

For the 1990 cougar hunting season, 165 tags were issued by the Oregon Department of Fish and Wildlife (ODF&W), and 57 cougars were taken, for a 45% success rate. (Reference the analysis file for the ODF&W Cougar Management Plan).

Although all areas of the Forest where hunting is legal will be included in this analysis, the scope of this environmental assessment is quite limited. Figures provided by Oregon and Idaho Departments of Fish and Wildlife, current and past numbers of outfitter/guide hunting permits, and numbers of tags authorized by the State combine to determine what level of service should be provided to the public. This analysis will not consider animal damage control. This topic will be discussed in detail in a different analysis which is currently in process.

B. Proposed Action

The Wallowa-Whitman National Forest proposes to continue issuing special use permits to outfitter and guide services on the Forest to individuals or groups who have appropriate tags and licenses for the purpose of hunting cougar and bear within State-established hunting areas, but excluding certain developed or protected sites.

The proposed action would be implemented from the time this decision takes effect in 1992, through 1997.

Specific objectives of the proposed action are:

* To coordinate outfitter/guide permits with available hunting tags issued by the State for bear and cougar in order to maintain population dynamics within State management objectives.

* To ascertain whether guide services are a requested and needed service to the public, and to establish some guidelines for numbers of outfitters and guides for cougar/bear hunting.

* To provide a recreational opportunity on the forest through a commercial program which may not be achieved on an individual level.

* To establish some stability to commercial permittees by establishing a term longer than one year for valid permits.

Commercial is defined as receiving money for services rendered. The National Forest receives a percentage of fees charged. A base fee of $60 is charged for all permits. Additional fees are collected in relation to the extent of the operating plan submitted by the permittee. Current fees have ranged from $500 to $2,500. The Forest Service receives 3% or a given rate, depending on the type of operating plan submitted and the preference of the permittee as agreed to by the Forest Service.

C. Purpose and Need

The purpose and need for the proposed actions is based on goals and objectives and desired conditions established in the Forest Plan and further based on court decisions, public demand, and recommendations from the previous EA. Consideration of State species management objectives for cougar and bear and numbers of hunting tags issued yearly will be major factors in determining the numbers of permits issued for outfitting and guiding services.

D. Decision to be Made

The responsible official (Forest Supervisor) will need to decide at what level the special use permits should be managed to meet Forest Plan standards and guidelines, public demand, and commercial requests. The alternative selected will determine the numbers of permits and length of validity for the foreseeable future (1992 through 12/31/97).

Management choices include numbers of permits to issue, length of duration of the permit, and mitigations to apply to permits.

E. Scoping

The interdisciplinary team (IDT) reviewed comments directed to the previous EA, sent out letters to a large mailing list (including current outfitter/guides), received telephone calls, petitions, and other information directed toward the project. A list of respondents is on p.16.

Comments included disagreement with the idea of allowing hunting cougar and bear on the forest, especially with dogs; encouragement of hunting as means of predator/population control to enhance livestock and deer/elk populations; encouragement of hunting as a unique sport; suggestions to leave the hunted animals alone to fill their place in the

ecosystem to provide a balance; disagreement with State figures concerning actual numbers available for hunt; concern with lack of adequate hiding cover compounded by increased hunting pressure; concern about illegal hunting; encouragement to provide money to the counties and a livelihood to some individuals; and other wide-ranging comments. A complete list is available for review in the analysis file.

The IDT read the comments, referred to the Forest Plan, reviewed current information and documentation on the subject, and developed a list of key or major issues which would be used to develop the alternatives. Other issues brought out by the public and within the scope of this document will also be discussed and analyzed.

Those issues beyond the scope of this analysis, addressed in the Forest Plan, or are beyond legal jurisdiction which will not receive a detailed response include:

Control over the numbers of hunting tags issued. This is State authority (Oregon and Idaho), as they are the agencies responsible for determining the number of hunting tags to be issued annually.

Resolution of animal rights. This issue is a sensitive and moral one which has not been relegated to any government authority at this time.

Not using Oregon Department of Fish and Wildlife data. Court decisions have determined that this type of analysis may rely on State-provided information.

Control of livestock predation. A different analysis is being prepared to address predator control.

Control of other big game populations (deer and elk). This is taken into consideration by State fish and game programs in conjunction with issuing hunting permits for both the predator and prey (cougar/bear--deer/elk).

Collection of scientific data regarding cougars and bears. Collection and analysis of scientific data is a State function. Information is made available to this Forest and other interested parties.

Balancing animals within specific ecosystems. Ecosystems are examined as part of the data-collection process performed by the State programs.

Setting aside no-hunt areas. Included in analyses performed by the State are indications of areas which should be excluded from hunting, just as certain fishing areas are excluded.

Establishing either animal as a federally listed species. There are other avenues for proposing this type of action. It is not the intent of this analysis to make that kind of determination.

Responding to impacts such as drought on populations. State programs assess conditions relevant to animal health and welfare as part of their data-gathering process.

Addressing population numbers. It is the authority of State wildlife programs to tabulate animal populations.

Establishment of specific habitat areas for management of these species. State programs determine the need and means of establishing specific animal management areas.

Long-term population viability of cougars and bears. The State is given the authority to determine long-term population figures for these species.

Change of fees collected by the State for hunting tags. The National Forest System does not control fees designated by the State for hunting purposes.

Changes in road densities. Road density decisions are made through other types of environmental analyses, particularly those addressing timber sales, pursuant to the standards and guidelines established in the Forest Plan.

Control of poaching. The State is empowered to enforce hunting regulations, including illegal acts. Forest Service law enforcement officials cooperate.

Key Issues

The following issues were determined to be key in developing the alternatives. The order in which the issues are listed is not intended to imply priority or importance. Key indicators are methods of measuring (generally quantitative or measurable) some part or all of an issue.

1. **Effects outfitter/guide services have on:**

   A) Population dynamics of target animals, and
   B) Harassment of target species through use of dogs

This issue was identified through public comment, as well as through concerns of Federal and State biologists. The concern that the population of target animals may be at risk is aggravated by recent forest health issues, particularly as it relates to a perceived degradation of available habitat. There is also a perception by some that existing population numbers are not substantiated and, therefore, hunting should not be allowed until accurate data is available. Many of the respondents believe that cougar and bear are being harassed through the use of hounds.

KEY INDICATORS:

   1) State population data
   2) Risk of harassment ranking.

2. **Effects outfitter/guide services have on:**

   A) Population dynamics of non-target animals: elk, deer, wolverine and lynx; and
   B) Harassment of non-target animals through use of dogs.

This issue was identified through public comment, as well as through concerns of Federal and State biologists. Some feel that successful hunting of cougar and bear helps prevent severe losses of domestic livestock and control excess predation of other forest wildlife species. Others believe the killing of these animals by humans disrupts natural control of

deer and elk and other wildlife populations. The issue is compounded by the effects on cougar/bear populations due to predator control efforts.

The public is also concerned that using hounds in pursuit of cougar and bear gives an unfair and unsportsman-like advantage to the hunter. They also perceive that a pack of dogs running free on the national forest creates an unwarranted environmental disturbance and leads to harassment of cougar, bear and other wildlife, including threatened and endangered species.

KEY INDICATORS:

1) State population data
2) Risk of harassment ranking

3. **The extent special use permits should be issued to provide revenue to outfitter/guides and local communities, and to meet the recreational demands of private individuals.**

This is a concern of forest recreation personnel, and to a lesser degree, that expressed by existing permittees. In 1991, 9 individuals held special use permits authorizing them to conduct cougar and/or bear outfitting operations on the Wallowa-Whitman. Persons served by each outfitter varied, averaging 7 persons per outfitter/guide service per year (analysis file). Income is provided to the permittees through this activity, and a segment of society is served through the business opportunity.

KEY INDICATORS:

1) Revenue to outfitter/guides
2) Revenue to local community from hunters.
3) Numbers of the public served by each outfitter/guide.

F. Desired Future Condition.

The IDT developed the desired future condition based on information from ODF&W, public input, and direction from the Forest Plan.

There is a desire to maintain well-balanced populations of both cougar and bear. Viable populations would be maintained through ODF&W management objectives. There needs to be a certain amount of control over the use of dogs used in hunting so that the Forest and the wildlife aren't impacted by an excess of dogs. This means monitoring harassment of game and non-target animals, and impacts to recreationists.

The Forest would continue to offer a program which offers the public a guide service for cougar and bear hunting in addition to hunting on their own.

In general, the entire Forest would be open for guiding/outfitting opportunities, corresponding to hunting areas established by the State, but excluding certain developed or protected sites such as campgrounds and picnic areas.

CHAPTER II
ALTERNATIVES, Including the Proposed Action

This section describes the alternative development process, alternatives considered but eliminated from detailed study, elements common to all alternatives; alternatives considered or developed, including the proposed action; a list of constraints or mitigation measures; and a comparison chart. A 'no action" alternative is included as part of a reasonable range of alternatives as required by the National Environmental Policy Act (NEPA).

A. PROCESS USED TO DEVELOP ALTERNATIVES

All alternatives were designed to address the major or key issues. The IDT referred to the Forest Plan with the intention of implementing the goals, objectives, and standards and guidelines of the Plan. The range of special use permits discussed in the alternatives was developed by reviewing existing demand, public scoping, and meeting current and projected management objectives established by State fish and wildlife agencies in Oregon and Idaho.

B. ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

1. The IDT did not develop an alternative which would have immediately eliminated existing and discontinued issuing new special use permits for the purpose of providing outfitter/guide services to hunters, because existing permits may only be terminated for breach of provisions, or for other reasons determined by the Regional Forester or Chief of the Forest Service. These circumstances apply only to individual permittees, not the program as a whole.

   In addition, this alternative was not considered because the intent and environmental consequences are similar to Alternative A.

2. An alternative which considered issuing permits for non-consumptive cougar/bear hunting only was not developed.

   This alternative was not considered in detail because it is outside the scope of the proposed action and purpose and need of this environmental assessment.

3. An alternative which would have considered issuing permits for outfitter/guides to operate their services only in non-wilderness areas of the Forest was not developed.

   This alternative was not considered in detail because in addition to public visitor use, the Wilderness Act of 1964 authorizes commercial recreational use of Wildernesses. Outfitting and guiding are traditional uses, as well as uses which are allowed by the Wilderness Act.

C. ELEMENTS COMMON TO ALL ALTERNATIVES

The length or duration of each special use permit issued would be decided on a case-by-case basis, but would not exceed the decision term of this environmental assessment (5 years--through December 31, 1997). The total number of permits issued in any one year

may not exceed the maximum established by each alternative. This number would be monitored by the Forest Recreation Staff.

Cougar harvest tags authorized for issuance have been annually increasing (ODF&W Cougar-Bear Management Plan), although requests for special use permits for cougar and bear outfitting and guiding have been decreasing (reference analysis file). For the purposes of this analysis, tags issued will be held at a constant 1990 level of 165 tags for the appropriate hunting units.

Mitigations are assembled in a permit as clauses. A sample permit is attached as Appendix C.

The Forest Recreation Staff Officer will be responsible for monitoring issuance of outfitter/guide special use permits for cougar and bear. The intent of monitoring would be to ensure that total numbers of permits are not exceeded in any one year, and that permits are not valid beyond December 31, 1997, the decision term for this EA.

D. ALTERNATIVES CONSIDERED

NO ACTION--**ALTERNATIVE A**

Under this alternative, the current number of cougar/bear outfitter/guide permits issued would continue. When they expire, they will not be renewed. New permits will not be issued to replace them. The special use permit program for these types of permits will no longer exist. The current number of permits (9) would gradually be reduced to zero by 12/31/94.

PERMITS WOULD BE ISSUED TO A MAXIMUM OF 20 APPLICANTS--**ALTERNATIVE B**

Under this alternative, the Forest would issue up to 20 permits, based on ODF&W future potential population control objectives. This number in turn is affected by actual tags released for sale by the ODF&W. The number of permits issued may not exceed 20.

MAINTAIN CURRENT PERMIT NUMBERS--**ALTERNATIVE C**

Under this alternative, the Forest would issue only the number of permits each year which are currently in use. If some permits are not renewed, those permits become available on a first-come-first-served basis. The current number of operating permits is 9.

PERMITS WOULD BE ISSUED TO A MAXIMUM OF 15 APPLICANTS--**ALTERNATIVE D** (Proposed Action)

Under this permit, the minimum number of permits available for release would be 9 (current active permits in 1991), but the number could increase according to present population objectives established by ODF&W. Fifteen would be the maximum number issued at the end of a 5-year period. No more than 2 in addition to the current 9 would be issued in any one year.

D. ALTERNATIVE COMPARISON CHART

The chart below displays the alternatives and the key indicators identified to measure the effectiveness of the alternatives in addressing the issues.

KEY INDICATOR	ALTERNATIVE			
	A	B	C	D
populations of target spp	Does not meet ODF&W & IDF&G management objectives for either Alternative A or B.		Miminally meets ODF&W & IDF&G management obj. obj.	Meets ODF&W & IDF&G management
risk of harassment ranking	low to none	highest,if any	low, if any	moderate, if any
populations of non-target spp.	highest risk	lowest risk	moderate risk	moderately low risk
risk of harassment ranking	low to none	highest,if any	low, if any	moderate, if any
numbers of permits	9 to zero	20 maximum	maintain 9	no more than 15
potential no. of hunters served	63, declining to 0	140	63	105
revenue to local commun. (thousands of dollars ann.)	24.1, declin. to 0	53.6	24.1	40.2
revenue to outfitter/ guides (thousands of dollars ann.)	94.5, declin. to zero	210	94.5	157.5

CHAPTER III
ENVIRONMENTAL CONSEQUENCES

This section describes the existing condition and anticipated environmental effects if the various alternatives are implemented. Included are any direct, indirect, cumulative effects on the resources.

Subsection C will discuss the effects which are directly related to major issues identified in Section I above.

None of these actions set a precedent for other projects or activities that may be implemented to meet the goals and objectives of the Forest Plan.

A. Existing condition. (target species)

The Oregon Black Bear Management Plan prepared by ODF&W lists the black bear density as medium within the Blue Mountains and high within the Wallowa Mountains.

Appendix A contains a summary of the bear hunting statistics for the State of Oregon. Hunter success has declined from 11% in 1975 to 5% in 1990. The spring hunt success has fluctuated between 14 and 23%. There were 1053 bears taken in 1990 by hunters within the State of Oregon. Of this number 492 were harvested in Eastern Oregon (this includes both the fall and spring hunting seasons). In 1987, ODF&W estimated there were 18,000 black bears within the State. The current state-wide black bear population is estimated to be near 25,000 animals.

The Oregon Cougar Management Plan prepared in 1987 lists the cougar density in the Blue Mountains as medium, and high within the Wallowa Mountains.

Appendix B contains a summary of cougar hunting statistics for the State of Oregon. In 1990, 241 cougar tags were allocated for eastern Oregon, with a take of 78 animals. Both the number of tags and number of cougar taken has been on a steady increase since 1970. In 1980, ODF&W estimated there were 1,800 cougars within the State of Oregon.

IDF&G currently has developed a Mountain Lion [cougar] Species Management Plan, but has none for black bear.

B. Existing Condition (non-target species)

1. Cover and Big Game Habitat

The Rocky Mountain elk was selected by the Forest as an indicator of the quality of habitat diversity, the interspersion of cover and forage areas, and the security of cover provided. Cover areas are delineated into two types, as defined by Thomas and others (1988). Satisfactory cover is characterized by trees with stand canopy closure greater than or equal to 70%, stand height greater than or equal to 40 feet, and stand canopies with two or more layers. Marginal cover is characterized by trees with stand canopy closure greater than or equal to 40%, and stand height greater than or equal to 10 feet.

The Elk Habitat Effectiveness Index (HEI) was not calculated for the proposed planning area because no vegetation management activities are being proposed.

The elk HEI model is a biologically based model that predicts how effective an area will be in supporting elk under various forest management regimes.

2. Big Game Population Trends

Population trends for Rocky Mountain elk have been increasing across the Forest (Schommer, 1991). Elk numbers have exceeded the management objectives established by the State since 1989. Refer to Figure 1, next page.

The bull/cow ratio has remained relatively stable since 1982. Refer to Figure 2, following pages. Cow/calf ratios have remained below the State MO's since 1981. Refer to Figure 2. Excessive numbers of immature animals in the male breeding cohort and high predation levels could be restraining successful recruitment into the population.

Population trends for mule deer has been relatively stable across the Forest since 1976 (Schommer, 1991). However, the overall population levels remain well below the MO's established by the State. Refer to Figure 3, following pages.

Doe/fawn ratios have been cyclic and well below the MO level established by the State. Refer to Figure 4, following pages. Excessive predation may be one of the causes contributing to low fawn ratios, in addition to over-winter mortality and increased vulnerability due to loss of habitat.

FIGURE 1

ELK POPULATION TREND AND MANAGEMENT OBJECTIVE FOR STARKEY

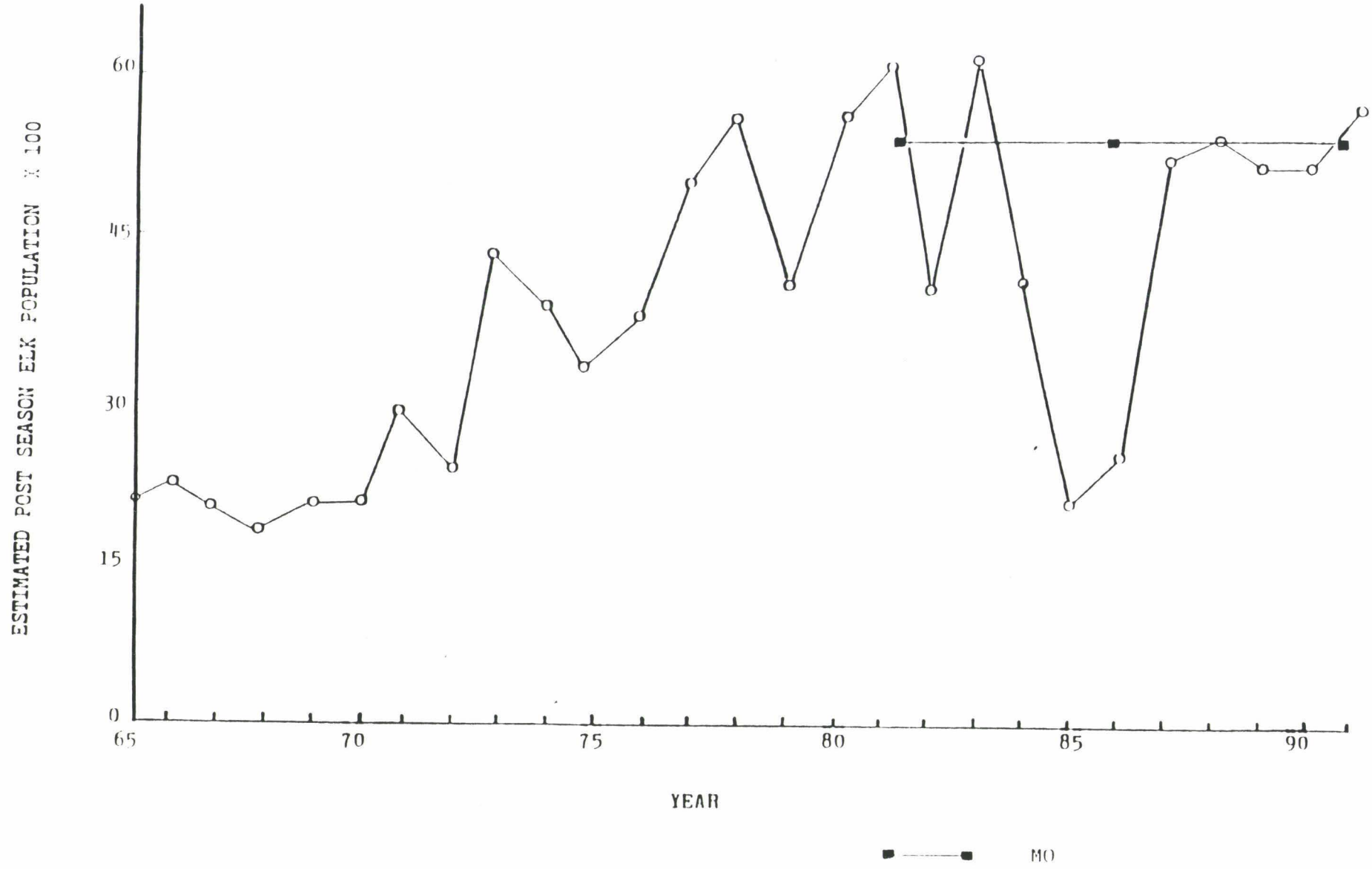
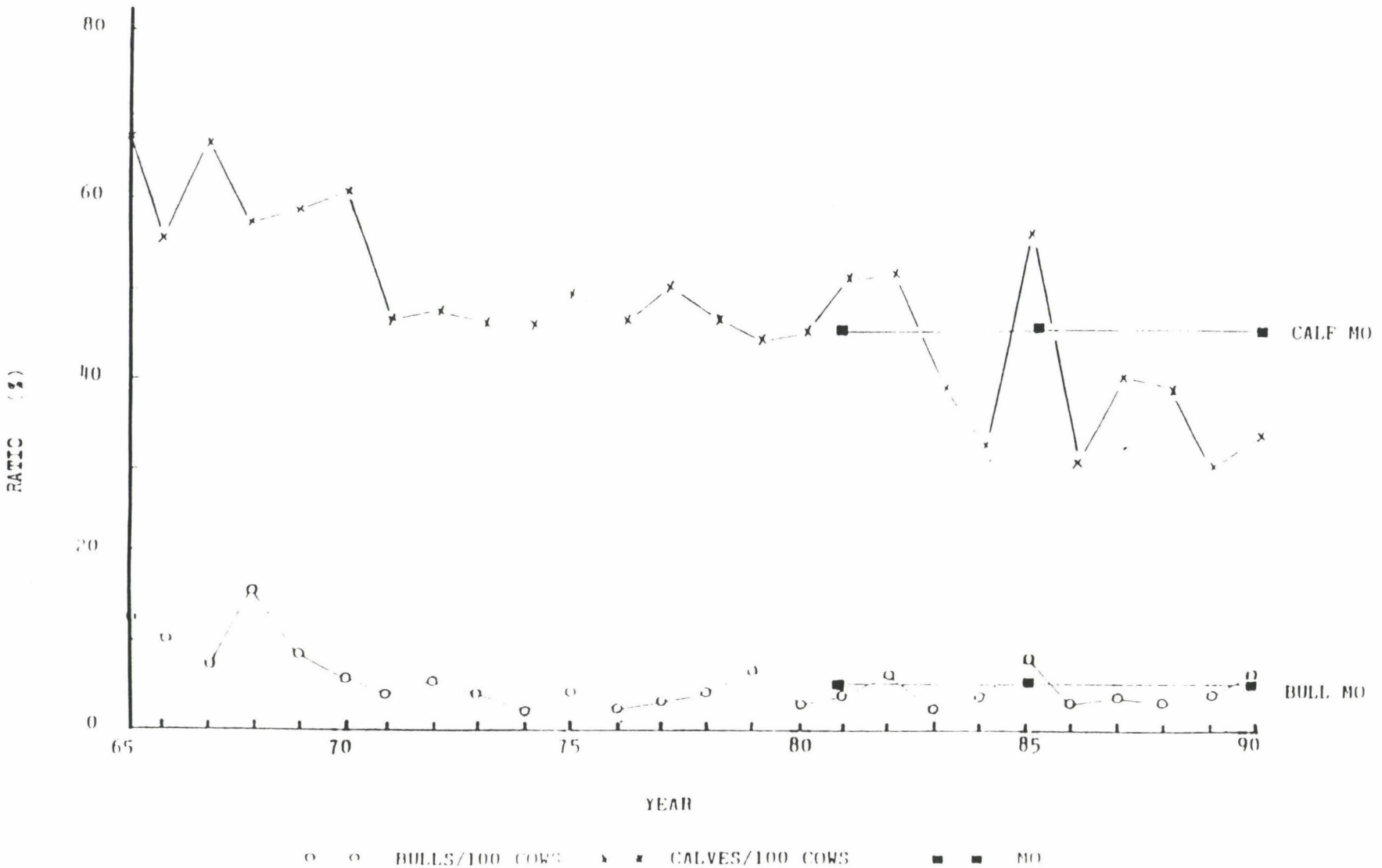


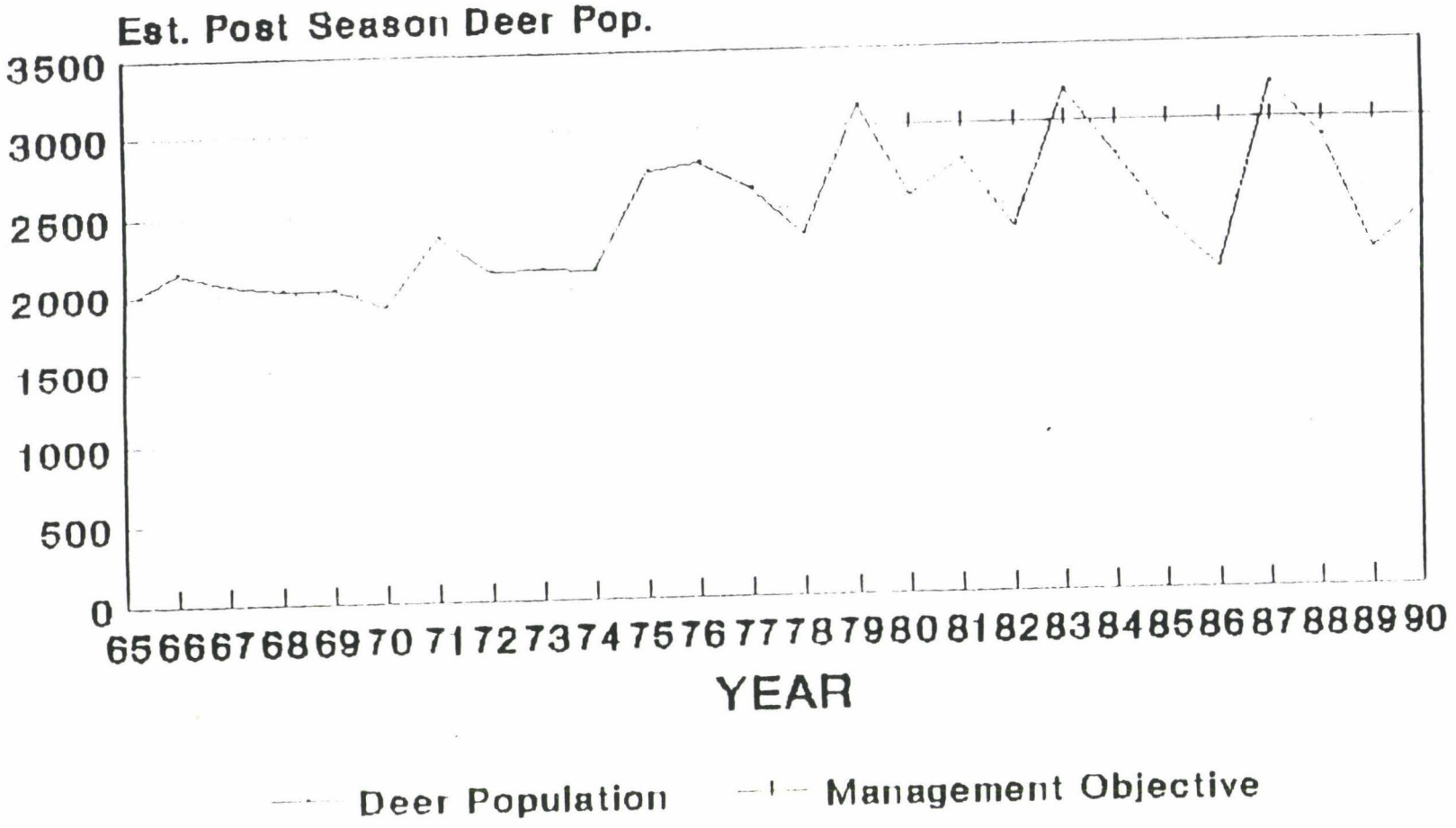
FIGURE 2

ELK HERD COMPOSITION AND MANAGEMENT OBJECTIVES FOR STARKEY



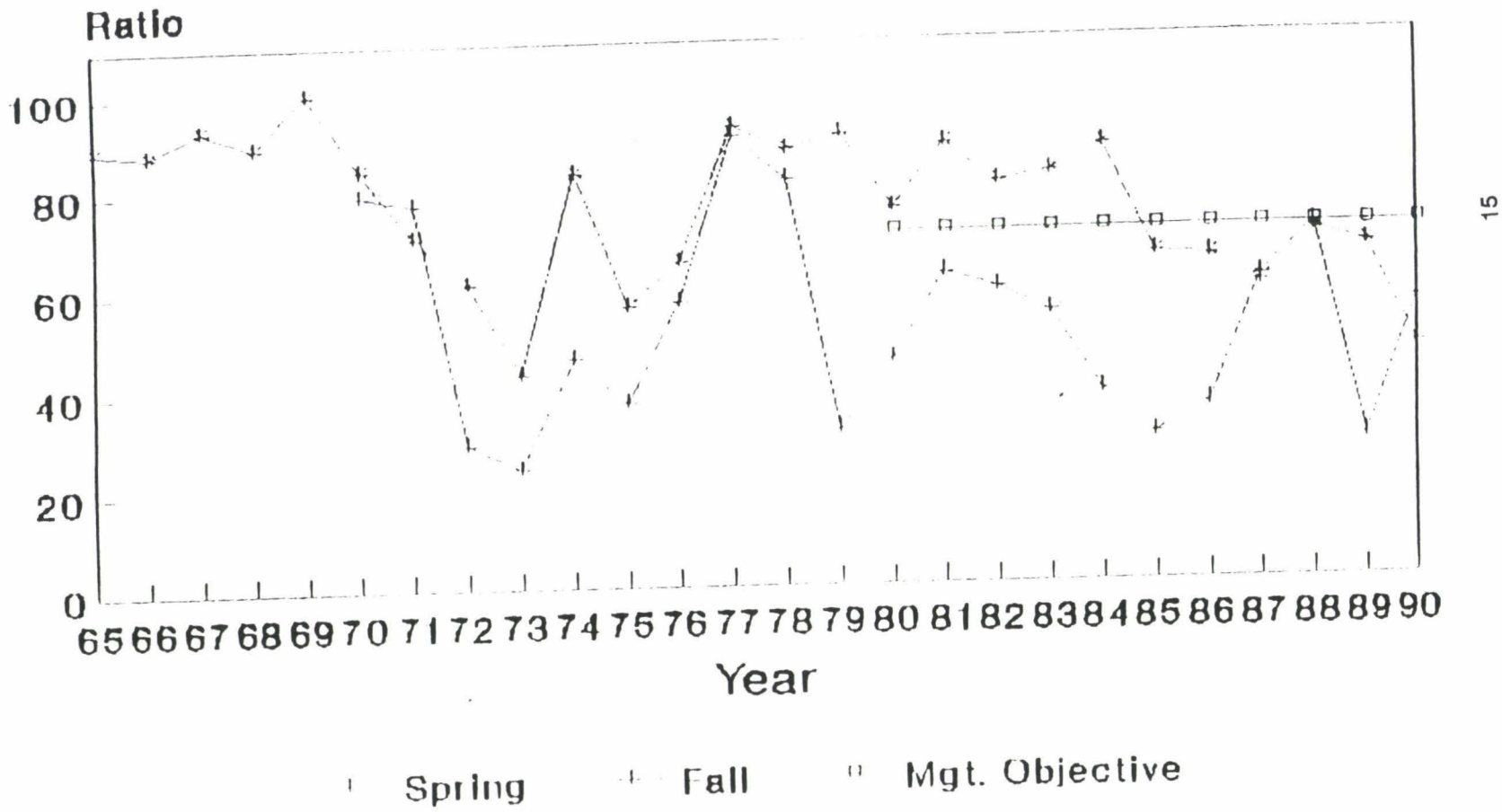
Deer Population Trend & Mgmt. Objective
Starkey

FIGURE 3



Fawns/100 Does
Starkey

FIGURE 4



3. Wolverine and Lynx

Several lynx sightings are contained within the Forest records. However, a certain amount of discrepancy exists whether lynx are still found within the State of Oregon. The Idaho portion of the Forest is the most likely area to support lynx.

Ralph Anderson (Forest Service - Wildlife Technician) developed a wolverine sighting list for Eastern Oregon. He tabulated 18 sightings for the Wallowa-Whitman National Forest. During the winter of 1991-92 the Forest has been conducting an intensive winter survey for wolverines.

A biological evaluation was completed for all proposed, endangered, threatened, or sensitive species and is included in the analysis file.

C. EFFECTS BY MAJOR ISSUES

1. **Effects outfitter/guide services has on**:

1) Population dynamics of target animals, and
2) Harassment of target species through use of dogs

ALTERNATIVE A

Once the existing cougar/bear outfitter guide permits lapse, new permits would not be issued. Permitted, commercially guided pursuit of cougar/bear with dogs would cease on the Wallowa-Whitman National Forest. The cessation of taking cougar/bear via legal guide services will not substantially change the population dynamics of the target animals.

Illegal harassment by dogs and taking of gravid or nursing females in the spring would dramatically impact kitten/cub survival. ODF&W biologists and State Game Patrol officers don't have the staffing that would be needed to suppress illegal guiding activity.

There is little, if any, research information found through thorough literature searches that addresses the effects of dogs on the target species. Any potential for harassment is minimized, as all special use permits would expire by December 1994.

The current defoliation of conifer trees due to insect epidemics will increase the vulnerability of the target species and would apply to all alternatives. This increased vulnerability combined with illegal/indiscriminate taking of cougar/bear could prove to be detrimental.

Because there is a high success rate in hunting with outfitter/guides, there may be a corresponding increase in cougar/bear populations if no permits are issued on the National Forest. This in turn could lead to a negative impact on deer and elk herd numbers. The overall number of target animals removed through legal harvest activity is established by the States of Oregon and Idaho. This is a separate process outside the scope of this analysis.

This alternative would not meet the ODF&W/IDF&G objectives for management of target species.

ALTERNATIVE B

Existing permits would be re-issued (up to a total of 20) and new permits issued, maximizing potential hunting opportunities. The Wallowa-Whitman National Forest will work in partnership with ODF&W to establish the desired number of outfitter guide permits according to population objectives.

The Forest and States would also cooperate in concentrating new permits into areas containing higher population levels of target species. The overall number of target animals removed through legal harvest activity is established by the States of Oregon and Idaho. This is a separate process outside the scope of this analysis. Populations of target animals will likely continue their increase under this alternative. The use of dogs will be controlled, thus minimizing any harassment of target animals through the use of dogs.

Although research does not substantiate harassment of dogs to target species, this alternative would have the greatest risk for harassment to target species.

This alternative would meet ODF&W/IDF&G objectives for management of target animals.

ALTERNATIVE C

Maintenance of the status quo (9 cougar/bear outfitter guide permits) would provide for the minimal harassment of target species.

The overall number of target animals removed through legal harvest activity is established by the States of Oregon and Idaho. This is a separate process outside the scope of this analysis. Populations of both cougar and bear would continue to have a moderate rate of increase. Some areas of the Forest could experience unnaturally high population levels.

Higher populations of cougar/bear may impact populations of non-target species such as deer and elk. Depredation complaints regarding domestic livestock would likely increase. The limited number of outfitter guide permits would reduce the opportunity to deal with increasing predation/depredation problems effectively.

As in Alternative A, cougar/bear vulnerability would increase due to the defoliation caused by the insect epidemic.

Although research does not substantiate harassment of dogs to target species, this alternative would have a lower risk for harassment to target species than under Alternative B.

This alternative would only minimally meet ODF&W/IDF&G objectives for management of target species.

ALTERNATIVE D

Up to 15 permits would be issued under this alternative. As with Alternative B, the Forest and States would cooperate in concentrating new permits into areas containing higher population levels of target species.

The overall number of target animals removed through legal harvest activity is established by the States under a separate process. Populations of target animals will likely continue

their increase under this alternative. Harassment by dogs would be the same as depicted under Alternative B.

Although research does not substantiate harassment of dogs to target species, this alternative would have a moderate risk for harassment to target species than under Alternative B.

This alternative would meet ODF&W/IDF&G objectives for management of target animals.

2. Effects outfitter/guide services has on:

1) Population dynamics of non-target animals: elk, deer, wolverine and lynx; and
2) Harassment of non-target animals through use of dogs.

ALTERNATIVE A

Other influences such as timber harvest activities, livestock grazing, insect epidemics, catastrophic fire and hunter numbers will have an even greater impact on non-target species than implementation of this alternative. Unquestionably, predation by cougar/bear has a substantial impact on the population dynamics of deer and elk.

It is possible that extensive illegal/indiscriminate taking of cougar/bear may create an unnatural balance allowing deer and elk numbers to increase.

Both the wolverine and lynx are wide-ranging secretive species. The absence of legal cougar/bear outfitter guides would provide for a lesser degree of disturbance. However, the increase in illegal activities would likely overshadow any benefit from the implementation of this alternative.

There is little, if any, research information found through thorough literature searches that addresses the effects of dogs on non-target species. Any potential for harassment is minimized, as all special use permits would expire by December 1994.

ALTERNATIVE B

More outfitter guide permits would be issued on the Forest. As more information is obtained from our ongoing wolverine/lynx surveys, key habitat components such as den sites and foraging areas will be identified. At that time, the Forest Service, in cooperation with ODF&W, will develop management guidelines for these areas. Until this happens, some disturbance to wolverine/lynx could occur. We and ODF&W will work closely with the outfitter guides to limit the extent of this disturbance. The limited disturbance that will take place will not reduce the population viability of the wolverine or lynx.

Implementation of this alternative would have the greatest positive impact on deer and elk populations. The USFS and ODF&W could work together in focusing cougar/bear outfitter guides into areas experiencing high predation levels. Deer and elk numbers would likely increase through implementation of this alternative.

Although research does not substantiate harassment of dogs to non-target species, this alternative would have the greatest risk for harassment to non-target species.

ALTERNATIVE C

Implementation of this alternative would provide for higher populations of cougar/bear. This increase may not prove to have significant impacts to deer and elk populations across the Forest. However, specific areas of the Forest may experience suppressed deer and elk numbers due to increase predation. ODF&W and the USFS would not have the opportunity to effectively deal with these problem areas through increased outfitter guide permits.

Although research does not substantiate harassment of dogs to non-target species, this alternative would have a lower risk for harassment to non-target species than under Alternative B.

ALTERNATIVE D

Deer and elk numbers would remain in current population trends after implementation of this alternative. The USFS and ODF&W would have limited opportunities to focus new outfitter guide permits to areas experiencing higher levels of predation on domestic livestock.

Population viability of the wolverine and lynx would not be reduced through implementation of this alternative.

Although research does not substantiate harassment of dogs to non-target species, this alternative would have a moderate risk for harassment to non-target species than under Alternative B.

3. **The extent special use permits should be issued to provide revenue to outfitter/guides and local communities, and to meet the recreational demands of private individuals.**

In recent years 17 individuals have been at least partially dependent on revenues received from their guiding services on the Wallowa-Whitman National Forest. Fees for their services range from $500 to $2500 per client. Historically, cougar and bear hunting trips have brought in an estimated $80,000 gross income per year. Most of this is for hunting on National Forest System lands. Permitted cougar and bear outfitters account for approximately 400 visitor days on the Wallowa-Whitman National Forest each year.

Clients generally spend additional dollars while visiting or travelling through small local communities. A quote from the Idaho Department of Fish and Game (IDF&G) addressed this issue in their Mountain Lion Species Management Plan. It portrays the extent of the dollars spent and generated through this hunting activity:

> "Data provided by the Idaho Outfitters and Guides Board and Department records on license and tag sales indicate that 756 hunters spent nearly $400,000 hunting mountain lions in Idaho in 1983. Fees charged for licenses, tags, and outfitters amounted to $158,000 while the remainder was spent on taxidermist fees, travel within the state and other miscellaneous expenses." (IF&G, Mountain Lion Species Management Plan, 1986-1009, p.3.)

Figures derived from Oregon In-State Trip-Related Expenditures For Hunting, 1985, show that the average hunter spends $383 per trip for food and lodging, transportation, and privileges and other fees (inflated to 1991 dollars). The $383 does not include the fees for outfitter/guiding services. ("The 1985 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation," US Department of Interior, US Fish and Wildlife Service, Washington, DC)

The following assumptions were established to evaluate the economic effects for each of the proposed alternatives:

* Analysis is based on ODF&W data from their Cougar Management Plan. Consistent and viable data on tags issued and percent of success is not available for bear (personal communication with ODF&W).

* Each outfitter/guide services 7 hunters for an average $1500/hunter.

Direct/Indirect Effects

Table 1 summarizes the direct and indirect effects of the proposed alternatives using the key indicators identified for Issue #3. These direct and indirect effects are assumed to be constant through the life of the decision duration of this environmental analysis (December 31, 1997)

TABLE 1

KEY INDICATOR	ALT A[1]	ALT B	ALT C	ALT D
# of Special Use Permits Issued	9↓ to 0	20	9	15
Potential # of hunters served[2]	63 to 0	140	63	105
Revenue to Local Communities[3] (Thousands of dollars annually)	24.1↓ to 0	53.6	24.1	40.2
Revenue to Outfitter/Guides[4] (Thousands of dollars annually)	94.5↓ to 0	210	94.5	157.5

1 - Alternative A assumes that no additional special use permits would be issued and remaining permits would not be renewed and allowed to expire by December 31, 1994 (analysis file). All of the effects for this alternative display the range of key indicators from the current status of 9 permits in 1992 until expiration of those permits, the last of which is December 31, 1994.

2 - Determined by # of special use permits issued times the average 7 hunters served by one outfitter/guide.

3 - Determined by # of hunters served times the average $383 spent per hunter for trip-related expenditures.

4 - Determined by # of hunters served times the average $1500/hunter for outfitter/guide service fees.

The direct and indirect economic effects displayed in the table above reflect a maximum potential annual economic revenue for each alternative. Each outfitter/guide serves an average of 7 hunters annually, but this could fluctuate based on public demand and numbers of tags authorized by ODF&W and IDF&G.

Alternative A

Legal authorized outfitter/guide services and revenue generated to both local communities and the outfitter/guide using this Forest would drop to $0 by December 31, 1994. Following December 31, 1992, there would be two remaining special use permits valid until December 31, 1994, generating $5,400 to local communities and $21,000 to the outfitter/guides annually.

Alternative B

The number of special use permits authorized would be dependent on ODF&W and IDF&G management objectives for cougars and bears, but would not exceed a total of 20. Thus, the economic effects displayed in Table 1 reflect the maximum number of special use permits that would be valid in any one year.

Alternative C

The maximum allowable number of special use permits would not exceed the current 9. The economic effects in Table 1 reflect the maximum potential revenue generated in any one year. Dependent on lack of public demand, the revenue generated could be less than that displayed in Table 1.

Alternative D

The number of special use permits allowed would not exceed a total of 15, with no more than two new special use permits issued in any one year to achieve the 15 maximum specified. The revenue generated annually would thus show incremental increases (providing the same number of "old" permits are in effect each year), based on the issuance of two special use permits annually until the maximum potential revenue is generated as shown in Table 1.

Cumulative Effects

The cumulative economic effect for each of the proposed alternatives would be based on the relationship of revenue generated by the hunters and outfitter/guides on the individual communities in relation to direct, indirect, and induced jobs.

For the purposes of analysis, the reasonably foreseeable future (beyond December 31, 1997) would entail carrying the theme of each alternative forward following additional environmental analysis in 1998. Based on this reasonably foreseeable future concept, Alternative A could continue with no new special use permits issued, thus no revenue generated for local communities and outfitter/guides who use this Forest. Alternatives B,C, and D would potentially continue generating the revenues displayed in Table 1.

4. Probably Adverse Environmental Effects Which Cannot be Avoided

There would be no additional probably adverse environmental effects beyond those disclosed in the Final Environmental Impact Statement (FEIS) for the Forest Plan (Reference Chapter IV, pages 93-95).

5. Relationship Between Short-term Use and Long-term Productivity

The proposed action and its alternatives would not result in any effects on the relationship between short-term use and long-term productivity. (Reference Chapter IV page 95 of the FEIS for further discussion.)

6. Irreversible and Irretrievable Commitment of Resources

The proposed action and its alternatives would not result in any irreversible or irretrievable commitment of resources. (Reference Chapter IV page 95 of the FEIS for further discussion.)

7. Potential Conflicts with Plans and Policies of Other Jurisdictions

The potential for conflicts with plans and polices of other jurisdictions with the proposed action and its alternatives is minimized by the Memorandums of Understanding between the States of Oregon and Idaho and the Forest Service regarding the Forest Service's responsibility for habitat management and for regulating all uses on the National Forest. Additionally, the US District Court has further defined the Forest Service's responsibilities, minimizing potential conflicts.

D. SPECIFICALLY REQUIRED DISCLOSURES

1. Effects of alternatives on sensitive, threatened, and endangered species and critical habitat.

Implementation of the proposed action is not anticipated to cause any adverse impact to PETS species or their habitats.

2. Effects of alternatives on prime farm land, range land and forest land.

The proposed action and its alternatives have no adverse effect on prime farm land, range land, and forest land. Regardless of the alternative implemented, activities on National Forest land will be managed with sensitivity to effects on adjacent and public lands.

3. Energy requirement for alternatives.

There are no unusual energy requirements for implementing any of the alternatives.

4. Effects of alternatives on the human environment.

Local communities and oufitters and guides will be affected by the revenue generated which was documented previously in this chapter.

The civil rights of any American citizen are not affected differently by implementation of any alternative.

5. Effects on wetlands and floodplains.

There would be no effect on wetlands, bogs, or floodplains by implementation of any of the alternatives.

CHAPTER IV
AGENCIES AND PERSONS CONSULTED

This section lists the agencies and persons who contributed to this analysis process.

A. Agencies

Oregon Department of Fish and Wildlife (Craig Ely)
Idaho Department of Fish and Game (Sam McNeill)

B. Persons or Groups and Organizations

Roger R. Sanders
Margaret Pettis
John M. Keyser
Rebecca Rosa
Chris Coffelt
Charles Mundorff
Darnell Gilligan
Stanley Finn
Marilyn O'Brien
David and Shirley Proctor
Rose and Jack Vanderhout
Bernard Nofziger
Michael and Laura Murphy
Chris Prescott
Kifer Yosemite
G. Grover
William R. Meyer
Mark Nofziger
Vicki Estrada
Ben Hayes
Wesley Morgan
George Scott
Clyde Spivey
Steven Ritter
John Williamson
Gary Handyside
Larry Mach
James Jones
Pearl Peacock
William Shannon
Glen Boothby
William Fulton
Joy Abbe
Corey Younger
Elizabeth Sturdivant
Lindell Grant
Boyd Frull
Lance Daniels
Scott Hester
Neal Bork
Susan J. Prechtl
Merle and Dianne Gors
Paul Morehead
Catherine Koehn
Diana L. Gantt
Michael Ward
Michael Herbert
Margaret Toole
Christopher L. Burford
Mary K. Coacher
Carol Paddock
Paul Wagner
Daryl Roth
Peter Clough
John P. Sample
Rayrein and Patricia N. Hawkins
Nancy Scharback
Jackie Bowen
Delores Porch
Russ Jolley
Chuck Woosley
Steve Luke
Craig Sundblad
Carl Carpenter
Douglas Parker
Rober Williams, Jr.
Larry Ford
Vic Leeper
Maryann Schoed
William Hung
Richard Smith
Leroy Haines
Ray Miller
Farrel Hansen
Steve Moudly
Allen Younger
J. Kenneth Smith
Jasen Carpenter
Lorenzo L'Alburto
Marlene Bork
Kassie Schemburg
Patrick Davis
Mrs. D. Hucksinger

Eastern Oregon Outfitters and Guides
Chris Perkins
Herman Thompson
Gayelynn Bowman
Mick Bowman
Robert Bowman
D. Justus
Holly Palmer
Mike Kaeselar
Beth Green
D.Lang
Robert Spellman
Steven Hawkins
Philip Horn
Kathy Rothrock
Mary Selly
Bill Woolard
Judith Stultz
Fedel Solz
Kenneth Schuchardt
Lori Schuchardt
Orin Sass
Russel Rock
Eugene DeShaw
Don Plummer
Keith Best
Frank Gray
W. Morrissey
Roxanne Schuchardt
Jim Howerton
Sarena Kennedy
Reba Stong
Pam Wagner
Stephen Johnson
Barbara Caull
Yolanda Salter
Mary Durant
Penny Jester
Jeanne Hammand
Angela Garbarino
Martha Cansler
Mark C. Jobson
Pamela Wood
John and Kathy Gorham
Matthew Kenna
Delbert Mike Cox
Astrid Pobuda
Darren Welsh
Martha Rue
Greg Johnson
Nancy Horne
Curtis Fisher
Helen Newman
William Badrick
Peter Eddy
Peter Neketin
Bob Evinger
Vivian Starbuck
Gale Ousele
Steven Wheeler
Don Schaller
Wil and Dee Hulsker
Judith K. Jensen
Eileen B. Peck
Arthur M. Farley
Mark J. Palmer
Eldon Buckner

Powder River Sportsmens Club
Rolynn F. Prechtl
Sharon M. Adams
Candi L. Page
Deward T. Sullivan
Vera B. Sullivan
Joe Flatt
Salena Harlow
Jan Mathis
Daniel and Linda Rathman
Susan S. Bartholomew

Izaak Walton League of America, Inc.
Don Dundon
Danny Rosenberg
Osalyn Houser

Mary Schuchardt	Dino Menolascina	Vicktoria Yantson
Ralph Geils	Clifford Knee	Dianne Leopard
Glen Wilchel	John Price	Martha Duchom
Leslie Davis	Debrea Klassen	Maybelle Trimm
G. E. Tilcock	Nicole Jackson	Bryan Cosgrove
Judy Apple	Allen Berkey	Donn Ballantyne
David Clemens	C. Daniels	

C. Interdisciplinary Participation

We have participated in this analysis and believe the significant issues have been identified and addressed:

KURT WIEDENMANN, Forest Planning Team — Date 5/21/92

ROBERT MASON, Baker District Wildlife Biologist — Date 5/21/92

GAYLA BROCKUS, Forest Assistant Recreation Staff — Date 5/21/92

GORDON STRUTHERS, Baker District Resources Assistant — Date 5/21/92

Recommended by:

Date 5/21/92

I believe this assessment meets the requirements of the National Environmental Policy Act of 1969.

BRUCE McMILLAN, Forest Environmental Coordinator — Date 5/22/92

APPENDIX A

Oregon Bear Hunting Statistics

Oregon Bear Hunting Seasons and Harvest

Year	Season Dates	Covered by Hunting Regulations		Tags Sold	Number Hunters	Bear Taken	Hunter Success	Hunter Days	Days/ Hunter	Days/ Bear
1975	July 01-Dec. 31/ Aug. 01-Nov. 30	Entire State		17,924	16,247	1,841	11%	148,092	9	80
1976	Aug. 01-Dec. 31/ Aug. 01-Nov. 30	Entire State		14,660	11,043	1,074	10%	102,557	9	96
1977	Aug. 01-Dec. 31 Aug. 01-Nov. 30	Entire State		15,847	12,833	920	7%	133,570	10	145
1978	Aug. 01-Dec. 31	3/4 of State	Tag sale deadline	8,757*	No Survey	(506)**	--	--	--	--
1979	Sept. 01-Nov. 30	3/4 of State	"	15,705*	11,324	812	7%	118,338	10	146
1980	Aug. 23-Nov. 30	Entire State	"	14,810*	11,072	958	9%	--	--	--
1981	Aug. 29-Nov. 30	Entire State	"	15,503*	10,124	783	8%	113,722	11	145
1982	Sept. 04-Nov. 30	Entire State	No tag sale deadline	21,588	16,756	1,313	8%	196,713	12	150
1983	Aug. 27-Nov. 30	Entire State	Tag sale deadline with deer opening	26,188*	20,500	1,420	7%	314,315	15	221
1984	Aug. 25-Nov. 30	Entire State	"	26,753*	No Survey	(1,350)**	--	--	--	--
1985	Aug. 24-Nov. 30	Entire State	"	25,863*	No Survey	(1,250)**	--	--	--	--
1986	Aug. 23-Nov. 30	Entire State	"	25,928*	20,748	1,376	7%	234,144	12	174

* Tag sale deadline.
** Based on report card returns.

L8-8/t

APPENDIX B

Cougar Hunting Statistics for Oregon

Cougar hunting seasons and harvest.

Year	Season dates	Number of hunts	Tags Available and Issued	Number of hunters	Harvest				Hunter success	Days/ hunter	Days/ cougar
					Males	Females	Unknown	Total			
1970	Dec. 1-31	1 (NE)	25	16	4	6		10	56%	--	--
1971	"	1 (most of state)	100	68	8	10		18	26%	--	--
1972	"	1 (NE)	75	46	10	12		22	48%	--	--
1973	"	5	83	56	7	9		16	29%	5.7	19.9
1974[a]	"	4	75	34	11	5		16	47%	4.4	9.4
1975	"	3	80	52	4	11		15	29%	--	--
1976	"	6	125	60	10	6		16	27%	--	--
1977	"	7	140	73	16	11		27	37%	5.3	14.4
1978	"	7	130	81	16	18		34	42%	4.8	12.6
1979	Dec. 1-Jan. 15	7	140	71	9	14		23	32%	6.6	20.3
1980	"	7	160	72	10	14	8	32	33%	--	--
1981	Dec. 1-Jan. 31	9	161	53	17	13	3	33	57%	--	--
1982	"	11	168	83				57	58%	--	--
1983	"	12	188	85				54	47%	--	--
1984*	"	15	263	149	39	38	2	79	--	--	--
1985*	"	21	362	155 (est)				62	--	--	--
1986	"	22	462	307	52	65		117	38%	7.2	18.8
1987	"	20	457								

* No hunter survey taken.
[a] Spotted kittens and females with spotted kittens protected starting in 1974.

SP/p

Cougar harvest summary, 1970-1986.

YEAR	EASTERN OREGON TAGS AUTHORIZED	EASTERN OREGON HUNTERS	EASTERN OREGON HARVEST	WESTERN OREGON TAGS AUTHORIZED	WESTERN OREGON HUNTERS	WESTERN OREGON HARVEST	STATE TOTAL TAGS AUTHORIZED	STATE TOTAL HUNTERS	STATE TOTAL HARVEST	PERCENT SUCCESS
1970	25	16	10				25	16	10	56
1971			15			3	100	68	18	26
1972	75	46	22				75	46	22	48
1973	83	55	16				83	55	16	29
1974	75	34	16				75	34	16	47
1975	95	52	15				80	52	15	29
1976	115	52	14	10	8	2	125	60	16	27
1977	115	54	25	25	19	2	140	73	27	37
1978	105	65	24	25	16	10	130	81	34	42
1979	115	54	19	25	17	4	140	71	23	32
1980	120	56	17	40	33	15	160	89	32	36
1981	98	52	25	43	31	8	161	83	33	38
1982	117	69	43	46	29	14	168	98	57	58
1983	132	51	41	56	34	13	188	85	54	64
1984*	167	--	42	96	--	37	263	--	79	--
1985*	207	--	36	155	--	26	362	--	62	--
1986	232	161	61	230	146	56	462	307	117	38

* No hunter survey taken.
NG/j

APPENDIX C

Sample Outfitter/Guide Permit

United States Department of Agriculture Forest Service SPECIAL USE PERMIT Act of June 4, 1897 This permit is revocable and nontransferable (Ref. FSM 2710)	Record No. (1-2) **	Region (3-4) **	Forest (5-6) **
	District (7-8) **	User No. (9-12) ******	Kind of Use (13-15) ***
	State (16-17) **	County (18-20) ***	Card No. (21) 1

Permission is hereby granted to *, of *, hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements: *

This permit covers * acres and*or * miles and is issued for the purpose of: *

1. Construction or occupancy and use under this permit shall begin within * months, and construction, if any, shall be completed within * months, from the date of the permit. This use shall be actually exercised at least * days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of * Dollars ($ *) for the period from * 19*, to *, 19*, and thereafter annually on *, * Dollars ($ *): Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions * to * attached hereto and made a part of this permit.

PERMITTEE	Name of Permittee	Signature of Authorized Officer	Date
ISSUING OFFICER	Name and Signature *	Title *	Date *

2700-4 (7*71)

4. Development plans; layout plans; construction, reconstruction, or alteration of improvements; or revision of layout or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrub- bery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraised value; provided that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the permises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but

that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceedings shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner provided is qualified as a permittee and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him if, in the opinion of the issuing officer or his successor, issuance of a permit is desirable and in the public interest.

14. In case of change of address, the permittee shall immediately notify the forest supervisor.

15. The temporary use and occupancy of the premises and improvements herein described may be sublet by the permittee to third parties only with the prior written approval of the forest supervisor but the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

16. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.

17. In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provisions thereof, the following clauses will control.

GPO 914-673

==. During the performance of this authorization, the holder agrees that:

1. The holder and employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, or national origin by curtailing or refusing to furnish accommodations.

2. Title VI attaches coverage to the holder's employment practices if discrimination in employment impeded the delivery of services and benefits to people on the basis of their race, color, or national origin.

3. The holder shall include and require compliance with this nondiscrimination provision in any subcontract made with respect to the operations under this authorization.

4. Signs setting forth this policy of nondiscrimination, to be furnished by the Forest Service, will conspicuously be displayed at the public entrance

to the premises, and at other exterior or interior locations as directed by the Forest Service. (B-2)

==. The holder shall have in force public liability insurance covering: (1) property damage in the amount of * dollars ($ *), and (2) damage to persons in the minimum amount of * dollars ($ *) in the event of death or injury to one individual, and the minimum amount of * dollars ($ *) in the event of death or injury to more than one individual. The coverage shall extend to property damage, bodily injury, or death rising out of the holder's activities under the permit including, but not limited to, the occupancy or use of the land and the construction, maintenance, and operation of the structures, facilities, or equipment authorized by this permit. Such insurance shall also name the United States as a co-insured and provide for specific coverage of the holder's contractually assumed obligation to indemnify the United States. The holder shall send an authenticated copy of its insurance policy to the Forest Service immediately upon issuance of the policy. The policy shall also contain a specific provision or rider to the effect that the policy will not be cancelled or its provisions changed or deleted before thirty (30) days written notice to the Forest Supervisor, * , by the insurance company.

It is understood and agreed that the coverage provided under this policy will not be cancelled or its provisions changed or deleted before thirty (30) days of receipt of written notice to the Forest Supervisor, * , from the insurance company. B-10)

==. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit. (B-8)

==. Avalanches, rising waters, high winds, falling limbs or trees, and other hazards are natural phenomena in the Forest that present risks which the holder assumes. The holder has responsibility of inspecting the site, lot, right-of-way, and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, of removing such hazards. (B-24)

==. The Forest Service shall have the authority to check and regulate the adequacy and type of services provided the public and to require that such services conform to satisfactory standards. The holder may be required to furnish a schedule of prices for sales and services authorized by the permit. Such prices and services may be regulated by the Forest Service: Provided, that the holder shall not be required to charge prices lower than those charged by comparable or competing enterprises. (X-22)

==. The holder is not required to obtain the consent of the Forest Service to the sale of permitted improvements. However, the holder shall immediately notify the Forest Supervisor when a sale and transfer in ownership of the permitted improvements is planned. There is no obligation on the part of the Forest Service to issue a special-use authorization to the person(s) acquiring the improvements. (X-43)

==. The holder agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent

with the intent of the permit or with the reasonable exercise and enjoyment by the holder of the privileges thereof. (X-19)

==. Nothing in this permit shall be construed to imply permission to build or maintain any structure not specifically named on the face of this permit, or approved by the authorized officer in the form of a new permit or permit amendment. (X-3)

** Appeal of any provisions of this authorization or any requirements thereof shall be subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto. (X96)

==. Pursuant to the Federal Claims Collection Act of 1966, as amended, 31 USC 3101, et seq., and regulations at 7 CFR Part 3, Subpart B, an interest charge shall be assessed on any payment not made by the payment due date. Interest shall be assessed using the most current rate prescribed by the United States Department of the Treasury's Fiscal Manual (TFM-6-8025.20). Interest shall accrue from the date the fee payment was due. In addition, certain processing and handling administrative costs may be assessed in the event the account becomes delinquent and added to the amounts due.

A penalty of 6 percent per year shall be assessed on any payment overdue in excess of 90 days from the payment due date.

Payments will be credited on the date received by the designated collection officer or deposit location. If the payment due date(s) falls on a nonworkday, the interest and penalty charges shall not apply until the close of business of the next workday. (A-6)

==. Unless sooner terminated or revoked by the authorized officer, in accordance with the provisions of the authorization, this authorization shall expire and become void on *, but a new special-use authorization to occupy and use the same National Forest System land may be granted provided the holder will comply with the then-existing laws and regulations governing the occupancy and use of National Forest lands and shall have notified the authorized officer not less than * prior to said date that such new authorization is desired. (E-2)

==. This special-use authorization is issued for the period ending * (E-3)

==. This permit is issued for the period ending on *, 19* . The permit will not be renewed or extended. (E-5)

==. This permit is issued for the period ending on *, 19* . The permit will not be renewed or extended. (E-5)